**Fiscal Year 2021**

- In FY 2021, 57,287 cases were reported to the U.S. Sentencing Commission.
- 17,692 cases involved drugs.\(^1\)
  - 17,520 involved drug trafficking.\(^2\)
  - 5.7% of drug trafficking cases involved marijuana.
- Marijuana trafficking offenders have decreased by 63.7% since FY 2017.

**Number of Marijuana Trafficking Offenders**

<table>
<thead>
<tr>
<th>Year</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2017</td>
<td>2,746</td>
</tr>
<tr>
<td>FY 2018</td>
<td>2,118</td>
</tr>
<tr>
<td>FY 2019</td>
<td>1,675</td>
</tr>
<tr>
<td>FY 2020</td>
<td>1,118</td>
</tr>
<tr>
<td>FY 2021</td>
<td>996</td>
</tr>
</tbody>
</table>

**Offender and Offense Characteristics\(^3\)**

- 90.3% of marijuana trafficking offenders were men.
- 63.7% were Hispanic, 17.0% were Black, 13.5% were White, and 5.8% were Other races.
- Their average age was 34 years.
- 59.7% were United States citizens.
- 66.7% had little or no prior criminal history (Criminal History Category I); 1.8% were career offenders (§4B1.1).
- The median base offense level in these cases was 22, corresponding to between 80 and 100 kilograms of marijuana.
- Sentences were increased for:
  - possessing a weapon (19.1%);
  - a leadership or supervisory role in the offense (5.5%).
- Sentences were decreased for:
  - minor or minimal participation in the offense (32.1%);
  - meeting the safety valve criteria in the sentencing guidelines (49.4%).
- The top five districts for marijuana trafficking offenders were:
  - Western District of Texas (206);
  - Southern District of Texas (198);
  - District of Arizona (79);
  - District of New Mexico (31);
  - Eastern District of California (23).

**Punishment**

- The average sentence for marijuana trafficking offenders was 30 months.
- 88.8% were sentenced to prison.
- 37.2% were convicted of an offense carrying a mandatory minimum penalty; of those offenders, 74.3% were relieved of that penalty.

**Means of Relief from Mandatory Minimum Penalty for Marijuana Traffickers**

<table>
<thead>
<tr>
<th>Means of Relief</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Substantial Assistance</td>
<td>11.0%</td>
</tr>
<tr>
<td>Safety Valve</td>
<td>54.3%</td>
</tr>
<tr>
<td>Both</td>
<td>9.0%</td>
</tr>
</tbody>
</table>

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\(^1\) For more Quick Facts, visit [https://www.ussc.gov/research/quick-facts](https://www.ussc.gov/research/quick-facts).
**Marijuana Trafficking Offenses**

**Sentences Relative to the Guideline Range**

- Of the 64.0% of marijuana trafficking offenders sentenced under the Guidelines Manual:
  - 69.4% were sentenced within the guideline range.
  - 16.9% received a substantial assistance departure.
    - Their average sentence reduction was 61.6%.
  - 7.3% received an Early Disposition Program (EDP) departure.\(^4\)
    - Their average sentence reduction was 59.7%.
  - 36.0% received a variance; of those offenders:
    - 92.1% received a downward variance.
      - Their average sentence reduction was 49.5%.
    - 7.9% received an upward variance.
      - Their average sentence increase was 268.6%.
- The average guideline minimum slightly increased while the average sentence imposed remained steady over the past five years.
  - The average guideline minimum increased from 35 months in fiscal year 2017 to 41 months in fiscal year 2021.
  - The average sentence imposed increased from 27 months in fiscal year 2017 to 30 months in fiscal year 2021.

**Sentence Imposed Relative to the Guideline Range FY 2021**

- **Within Range**: 44.4%
- **Variance**: 36.0%
- **Under Guidelines Manual**: 64.0%
  - Substantial Assistance: 10.8%
  - EDP\(^4\): 4.7%
  - Other Downward: 3.9%
  - Upward Departure: 0.2%

1. Drug offenses include cases where offenders were sentenced under USSG Chapter Two, Part D (Drugs). There were 1,014 marijuana offenders sentenced under USSG Chapter Two, Part D (Drugs) in FY 2021.
2. Drug Trafficking offenders were sentenced under USSG §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.6 (Use of a Communication Facility), 2D1.8 (Rent/Manage Drug Establishment), 2D1.10 (Endangering Human Life), or 2D1.14 (Narco-Terrorism).
3. Cases with incomplete sentencing information were excluded from the analysis.
4. “Early Disposition Program (or EDP) departures” are departures where the government sought a sentence below the guideline range because the defendant participated in the government’s Early Disposition Program, through which cases are resolved in an expedited manner. See USSG §5K3.1.